

Michael Mugmon (SBN 251958)
WILMER CUTLER PICKERING HALE
AND DORR LLP
50 California Street, Suite 3600
San Francisco, CA 94111
Telephone: (628) 235-1000
Fax: (628) 235-1001
michael.mugmon@wilmerhale.com

Noah A. Levine (*pro hac vice pending*)
Cassandra Mitchell (SBN 321141)
WILMER CUTLER PICKERING HALE
AND DORR LLP
7 World Trade Center
250 Greenwich Street
New York, NY 10007
Telephone: (212) 230-8800
Fax: (212) 230-8888
noah.levine@wilmerhale.com
cassie.mitchell@wilmerhale.com

John Wells (*pro hac vice pending*)
Benjamin Chapin (*pro hac vice pending*)
WILMER CUTLER PICKERING HALE
AND DORR LLP
2100 Pennsylvania Avenue NW
Washington, DC 20037
Telephone: (202) 663-6443
Fax: (202) 663-6363
john.wells@wilmerhale.com
benjamin.chapin@wilmerhale.com

Counsel for Defendant
Bank of America, N.A.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Ricky Chen and Amin Wu, individually and as
representatives of the class,

Plaintiffs,

v.

Bank of America, N.A.,

Defendant.

Case No. 3:25-cv-3790-EMC

**[PROPOSED] ORDER ON DEFENDANT
BANK OF AMERICA, N.A.'S MOTION
TO DISMISS**

Hon. Edward M. Chen
Courtroom 5, 17th Floor
Date: August 7, 2025
Time: 1:30 PM

[PROPOSED] ORDER

The Court, having considered the Motion to Dismiss filed by Bank of America, N.A., the accompanying Memorandum of Points and Authorities, and the materials cited therein, concludes that the Complaint fails to state a claim upon which relief can be granted because the Electronic Fund Transfer Act (“EFTA”) does not apply to the transactions at issue. The Complaint also fails to state a claim upon which relief can be granted because the Complaint does not plausibly allege that the transactions alleged were unauthorized within the meaning of EFTA.

IT IS HEREBY ORDERED that Bank of America, N.A.’s Motion is GRANTED, and Plaintiffs’ claims against Bank of America, N.A., are DISMISSED WITH PREJUDICE.

DATED: _____

By: _____
Edward M. Chen
United States Senior District Judge